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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

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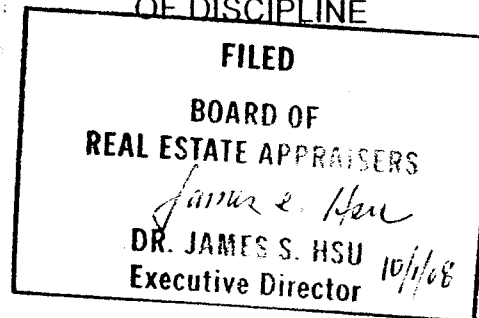
IN THE MATTER OF THE
LICENSE OF

FRANK C. PHIFER
RC00144400

TO ENGAGE IN REAL ESTATE
APPRAISING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE



This matter was opened to the New Jersey State Real Estate Appraiser Board ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. On or about February 11, 2008, the Board conducted a continuing education audit, asking a random sampling of its licensees for documentation of having

completed the continuing education requirements set forth in N.J.A.C. 13:40A-5.3 and N.J.A.C. 13:40A-5.4 for the 2006-2007 licensing period. The request for information was sent by regular mail to licensees at their address of record. The mailing sent to respondent was not returned, but no response was received.

3. On or about the first week of April, 2008, a second mailing issued by certified and regular mail to those licensees, such as respondent, who had not replied to the February 11, 2008 mailing. The mailing consisted of a copy of the February 11, 2008 letter, stamped "2nd Notice," again requesting documentation of having completed the 2006-2007 continuing education requirements. Certified mail sent to respondent's address of record was signed for. Regular mail was not returned. No response has been received to date.

4. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that he had completed the continuing education requirement during the previous biennial renewal period.

4. Respondent certified upon respondent's renewal application that respondent had completed a USPAP course.

5. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include a seven hour USPAP course, or its equivalent.

6. In light of federal requirements that the Board conduct periodic continuing education audits and verify that continuing education requirements are timely completed, and respondent's failure to respond to the audit, the Board deems

respondent's failure to respond as constituting respondent's failure to timely complete the continuing education requirements for the 2006-2007 licensing period.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's continuing education audit constitutes a failure to cooperate with a Board investigation, in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. Respondent's failure to demonstrate successful completion of continuing education requirements for licensure during the 2006-2007 biennial renewal period constitutes a violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's certification upon renewal for the January 1, 2008-December 31, 2009 renewal cycle that respondent had satisfied the continuing education requirement constitutes a violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 23, 2008, provisionally suspending respondent's appraising license, imposing a public reprimand, and a civil penalty in the amount of \$1,750.00. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting

respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, forwarding proof of completion of twenty-one (21) eligible credit hours in satisfaction of his 2006-2007 continuing education obligation. Respondent offered no explanation of his failure to respond to the continuing education audit, and still is missing seven (7) credit hours of continuing education for 2006-2007. The Board considered this matter, determined that further proceedings were not necessary, and further determined that the Provisional Order of Discipline should be made final.

ACCORDINGLY, IT IS on this 1st day of October, 2008,
ORDERED that:

1. Respondent's license is hereby suspended until respondent has furnished proofs of having successfully completed the credit hours of the requisite continuing education for 2006-2007. Respondent must submit proof of successful completion of 28 (twenty-eight) credit hours of continuing education, including the requisite update course in the Uniform Standards of Professional Appraisal Practice.
2. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b), (e) and (h).
3. A civil penalty in the amount of \$1,750.00 is hereby imposed upon respondent.

NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

Cheryle A. Randolph-Sharpe
Cheryle Randolph-Sharpe
Board President